



**LOUISIANA
BOARD OF PARDONS & PAROLE**

Number: 05.509 POL
Date: August 1, 2012
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BOARD POLICY

SUBJECT: VICTIMS - Parole Panel Hearings

PURPOSE: To establish procedural guidelines for notification to a victim of an offender's scheduled pardon or parole hearing and to allow a victim, the legal guardian of the victim, or close relative of the deceased person to appear in person before a parole panel relative to parole consideration.

AUTHORITY: LAC Title 22, Part V and Part XI, La. R.S. 15:574.2

POLICY:

Before a parole panel considers parole release for an offender who is serving a sentence for an offense in which a person was a victim, the parole panel shall allow one person to appear in person before the panel to present a statement of the person's views about the offense, the offender, and the effect of the offense on the victim. Nothing in this policy is intended to limit the panel's discretion to allow additional victims to make personal appearance or to make contact by phone through the local district attorney's victim advocacy representative.

DEFINITIONS:

- A. Close Relative of a Deceased Victim - a person who was the spouse of a deceased victim at the time of the victim's death, a parent of the deceased victim, an adult brother, sister or child of the deceased victim; or nearest relative by consanguinity if previous listed relatives are deceased or incapacitated due to physical or mental illness or infirmity.
- B Guardian of a Victim - a person who is the legal guardian of a victim whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- C. Victim - For purposes of this policy, a *victim* is defined as an individual against whom a crime has been perpetrated.

PROCEDURES:

A. Notification

1. The victim, spouse, or next of kin of a deceased victim shall be advised in writing no less than 30 days prior to the hearing date when the inmate is scheduled for a parole hearing.
2. The notice shall advise the victim, spouse, or next of kin of a deceased victim that:
 - a. the hearing is open to the public;
 - b. he or she may remain in the hearing room during the entire hearing (except during executive session); and
 - c. he or she may speak to the panel prior to its making a decision in the case.
3. The board has delegated the responsibility for this notice to the Department of Public Safety and Corrections.
4. The written notice is not required when the victim, the spouse, or next of kin of a deceased victim, advises the board in writing that such notification is not desired.
5. Notification is not required when the victim cannot be located despite the exercise of due diligence.

B. Personal Appearance

1. Pursuant to R.S. 15:574.2(C)(12) the panel may exclude anyone from the hearing to protect the privacy of the victim or victims.
2. The victim, the guardian of the victim, or close relative of a deceased victim shall have the right to make a written or oral statement as to the impact of the crime.
3. The victim, the guardian of the victim, or close relative of a deceased victim, a victim advocacy group, and the district attorney or his representative may also appear before the panel by means of telephone communication from the office of the local district attorney.
4. If more than one person is entitled to appear, the person chosen by all persons entitled to appear may serve as spokesperson for all those entitled to appear. However, at the panel's discretion more than one person may present a written or oral statement to the panel.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*